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FACSIMILE TRANSMISSION**Date:** 2/7/2005**Pages:** 12 w. cover *re send***To:** Examiner**From:** Charles W. Bethards**Company:** USPTO, Art Unit 2681**Fax No.:** 703-872-9306**Subject:** Response to Office Action: App. Serial No. 10/606,441
(Atty. Dkt. CE10654R/10-163)**Comments:**

Applicant(s): Declerk, et al et al	Atty. Dkt.: CE10654R/10-163
Serial No.: 10/606,441	Group Art Unit: 2681
Filed: June 26, 2003	Examiner:
Title: METHOD AND APPARATUS FOR MITIGATING POWER-CONTROL ERROR DURING A SOFT HANDOFF IN A WIRELESS COMMUNICATION SYSTEM	

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on February 7, 2005 to the attention of AU 2681.

Typed Name: Nancy Bethards

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/606,441

Applicants: Declerck, et al.

Filed: June 26, 2003

TC/A.U.: 2681

Examiner:

Docket No.: CE10654R/10-163

Customer No.: 23400

**FOR: METHOD AND APPARATUS FOR MITIGATING POWER-CONTROL
ERRORS DURING A SOFT HANDOFF IN A WIRELESS COMMUNICATION
SYSTEM**

Date: February 7, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on February 7, 2005 to the attention of Art Unit 2681

Typed Name: Nancy Bethards

Signature: Nancy Bethards**INFORMATION DISCLOSURE STATEMENT**

Commissioner For Patents
P O Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. A legible copy of (i) each U.S. and foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the

PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. The following additional information is provided for the Examiner's consideration:

III. CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b): (check one box)

- a. within three months of the filing date of a national application (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
- b. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
- c. before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
- d. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. §1.97(c) and see the statement under 37 C.F.R. §1.97(e) provided below, or if no statement has been made, charge deposit account 50-1147 the fee set forth in 37 C.F.R. §1.17(p).

- V. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c): (check one box)
before the mailing date of either a Final Office Action under 37 C.F.R. §1.113 (See
37 C.F.R. §1.97(c)), or a Notice of Allowance under 37 C.F.R. §1.311 (See 37
C.F.R. §1.97(c)).
- a. No statement; therefore, charge deposit account **50-1147** the fee set forth in
37 C.F.R. §1.17(p).
 - b. See the statement below. No fee is required.

VI. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):

on or before payment of the issue fee and is accompanied by the following:

- 1) a statement under 37 C.F.R. §1.97(e) as provided below;
- 2) Applicant(s) hereby a petition for consideration of this information disclosure statement; and
- 3) charge deposit account **50-1147** the petition fee set forth in §1.17(i).

VII. Statement under 37 C.F.R. §1.97(c) (check only one box, if applicable)
The undersigned hereby states that

- a. each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
- b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
- c. some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was

known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

VIII. PAYMENT OF FEES

- A check in the amount of _____ is enclosed for the above-identified fee(s).
- Please charge Deposit Account No. **50-1147** in the amount of \$_____ for the above-indicated fee(s).
- If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account **50-1147**.

Each item of information contained in the IDS was cited in a communication from a foreign Patent Office (PCT International Search Report enclosed) in a counterpart foreign application.

The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. **50-1147**.

Respectfully submitted,

Charles W. Bethards
Charles W. Bethards
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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/606,441
		Filing Date	June 26, 2003
		First Named Inventor	Declerck, et al
		Art Unit	
		Examiner Name	
		Attorney Docket Number	CE10654R/10-163
Sheet	1	of	1

Examiner Signature		Date Considered	
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²EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.87 and 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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